

Commonwealth of Kentucky

Court of Appeals

NO. 2008-CA-001359-OA

JEWELL ROBBINS

PETITIONER

v. AN ORIGINAL ACTION
ARISING FROM FRANKLIN CIRCUIT COURT
ACTION NO. 06-CI-00114

HONORABLE THOMAS WINGATE, JUDGE
FRANKLIN CIRCUIT COURT

RESPONDENT

COMMONWEALTH OF KENTUCKY,
OFFICE OF FINANCIAL INSTITUTIONS

REAL PARTY IN INTEREST

AND:

NO. 2008-CA-001360-MR

JEWELL ROBBINS

APPELLANT

v. APPEAL FROM FRANKLIN CIRCUIT COURT
ACTION NO. 06-CI-00114

COMMONWEALTH OF KENTUCKY,
OFFICE OF FINANCIAL INSTITUTIONS

APPELLEE

ORDER
DENYING MOTION FOR EMERGENCY RELIEF; AND
DENYING RENEWED MOTION FOR EMERGENCY RELIEF

** ** *

By order entered May 10, 2007, the Franklin Circuit Court found petitioner/appellant Jewell Robbins to be in contempt of court for continuing to violate its orders that she cease selling unregistered securities in violation of the Kentucky Securities Act. That order sentenced Ms. Robbins to 120 days' incarceration, but suspended the sentence based upon her compliance with the May 10 order and an order of permanent injunction entered June 12, 2006. The court made clear the consequences of failure to comply: "The Court sternly warns the Respondent, Jewell Robbins, that if the order of June 12, 2006, or the present Order is disobeyed, the Respondent will be jailed for contempt of Court." (Emphasis added.)

On July 16, 2008, after a hearing, the trial court found Ms. Robbins to be in contempt for having violated the written orders of June 12, 2006, and May 12, 2007, and ordered her to commence service of the previously-imposed 120-day sentence. Ms. Robbins has filed a notice of appeal from that order, as well as a petition for a writ prohibiting the respondent judge from enforcing his order of July 16. A motion requesting an emergency stay of that order was filed in both actions pending in this Court citing Ms. Robbins' age and medical condition.

A renewed emergency motion was filed this date, asking the Court to stay the imposition of sentence pending resolution of the first emergency motion. Appended to that motion are medical records filed in support of the contention that Ms. Robbins' medical condition is fragile.

Having now reviewed the emergency motions filed by Ms. Robbins, the response of the Commonwealth, and the medical records supplied this date, the Court ORDERS that the motions for emergency relief be, and they are hereby, DENIED.

Nothing alleged in the initial emergency motion satisfies the criteria for a grant of such extraordinary relief. Age alone is not a sufficient factor for relieving a party from the consequences of contempt of court orders.

Neither does this Court find the medical records persuasive for this purpose. Despite the fact that the records submitted are for an individual named Alvina Burgin, the Court has concluded that there is sufficient similarity to the name on the order of voluntary permanent injunction entered June 15, 2006, Jewell Robbins a/k/a Jewell A. Burgin, to assume that they are one and the same person. However, the records, most of which relate to findings in March 2008, fall short of establishing that incarceration will cause irreparable injury pending a ruling on the underlying petition for writ of prohibition.

The underlying original action shall be placed upon the docket of the three-judge motion panel scheduled for August 5, 2008.

ENTERED: JUL 22 2008


JUDGE, COURT OF APPEALS